



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF NURSING Meeting Minutes
DATE AND TIME:	Wednesday, September 14, 2011 at 9:00 a.m.
PLACE:	Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd., Dover, DE 19904
Minutes Approved:	October 12, 2011

MEMBERS PRESENT

Evelyn Nicholson, President, Public Member
Robert Contino, RN, Vice President, Nurse Educator Member (left at 1:30 p.m.)
Dianne Halpern, RN Member
Mary Lomax, Public Member
Kathy Bradley, LPN Member
Pamela Tyranski, RN Member
Robert Maddex, Public Member
Harland Sanders, Public Member
David Salati, RN Member (left at 3:30 p.m.)
Madelyn Nellius, Public Member
Delphos Price, APN Member
Tracy Littleton, LPN Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Pamela Zickafoose, Executive Director
Patty Davis-Oliva, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Tammy Ward, RN Member
Lyron Deputy, RN Member
Karen Murphy, LPN Member

ALSO PRESENT

Tammy Paxton, DTCC, Owens Campus
Connie Bushey, Beebe School of Nursing
Joann Baker, DTCC Terry Campus
Stephanie Evans-Mitchell
Donna Ramage
Tabitha Filer-Epps
Suzanne Raab-Long
Barbara Robinson

Jamie Clark
Janet Belles
Marlene Taylor

Ms. Nicholson called the meeting to order at 9:12 a.m. The Board introduced themselves to the public.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on July 13, 2011. Ms. Halpern made a motion, seconded by Ms. Nellius, to approve the minutes. The motion carried with Ms. Littleton and Mr. Price abstaining. The Board reviewed the minutes of the meeting held on August 10, 2011. Mr. Price made a motion, seconded by Mr. Maddex, to approve the minutes. The motion carried with Dr. Contino and Mr. Salati abstaining.

ADOPTION OF THE AGENDA

Mr. Sanders made a motion, seconded by Mr. Price, to adopt the amended agenda. By unanimous vote, the motion was carried.

ACTIVITIES REPORT

Dr. Zickafoose provided the report of the number and types of active licenses as of July 12, 2011.

Total Active Licenses = 19,688
APN = 1,196
RN = 15,350
LPN = 3,142
Total permits 24

COMMITTEE REPORTS

Practice & Education Committee Site Visits Reports-Dr. Contino provided an indepth report from site visits to Leads School of Technology and Camtech. See attached reports.

Rules and Regulations Committee- Dr. Zickafoose presented proposed language for Section 7 pertaining to SQ infusions and PICC placement, both of which were approved at the July 2011 meeting. Mr. Price made a motion to approve, seconded by Ms. Tyranski. By unanimous vote the motion carried.

AWSAM Committee- Ms. Pam Tyranski reported the committee met on August 30, 2011 and stated they had last met in September 2007. They accepted the minutes as written since only one member was present at that last meeting. The committee will need to revamp the report process. The committee came to the conclusion that there are two different AWSAM programs (1 & 2) and several different curricula ranging from a 3 hour course to a 40 hour course. A major concern is that residential child care centers have no nursing oversight. RN delegation of activities was another topic of discussion. The committee is collecting data to determine the extent of use of AWSAM in the state. Dr. Zickafoose added that Representative Barbieri requested a pilot program for Medication Aides. Ms. Tyranski commented that Medication Aides have a much more comprehensive, extensive program and this is NOT to be confused with AWSAM. The Medication Aide does "administer" medications. The committee also needs an educator to review the curricula.

Advanced Practice Nurses Committee- Mr. Price reported that a new committee has been formed and met on July 21, 2011 at 7pm in Conference Room A of the Cannon building. The last meeting was in

May 2006 for this committee and no minutes were available. The committee discussed the NCSBN Consensus Model and collaborative agreements. Mr. Price stated some APNs pay physicians between \$200 and \$1000 per month and some physicians have 20 or more APNs. The committee is reviewing data from Maryland, Pennsylvania and New Jersey. Mr. Price spoke with the legal council for CRNAs who reviewed the Section 8 language and determined that it was "user friendly" in a lot of areas. The committee is conducting a survey of APNs about their feelings toward collaborative agreements. Once this data is collected, it is anticipated the committee will conduct a similar study with Delaware physicians. Dr. Contino asked how many states do not have a collaborative agreement provision. There are over 20. Dr. Zickafoose will bring a list to the next meeting. Mr. Sanders asked if APNs have their own insurance and Mr. Price stated they did. Mr. Salati asked how much will be specialty dependent and Mr. Price replied that it all would be. Ms. Tyranski asked about the impact on prescriptive authority. Dr. Zickafoose stated there would be no major impact.

PRESIDENT'S REPORT

Ms. Nicholson reported that it was a pleasure to attend the Annual Meeting of the NCSBN. It was an honor to represent the Board and the State of Delaware. Ms. Nicholson thanked the Board for that opportunity. Ms. Nicholson found the meetings to be very informative and she really enjoyed the workshop held for Board Presidents. She found it very interesting to hear what other State Boards of Nursing had happening in their States. Ms. Nicholson said that the Delaware Board of Nursing is far ahead of many others in terms of procedure, legislation, rules and regulations, and in terms of the Board's desire to improve and the willingness to change. Ms. Nicholson also enjoyed the Uniform Licensure Requirements and Portability meetings. The revised 2011 Uniform Licensure Requirements demonstrate that Boards of Nursing are interested in establishing uniformity and easing the portability of licenses for nurses in the United States. She thanked the Board again for the privilege afforded to her.

EXECUTIVE DIRECTOR'S REPORT

See attached Executive Director's report by Dr. Zickafoose.

NEW BUSINESS BEFORE THE BOARD

LICENSEE APPLICATION REVIEWS

By Examination

David Snively, GPN – Mr. Snively's criminal background showed two offenses but neither were substantially related to the practice of nursing. Mr. Snively will be able to sit for the NCLEX exam.

By Endorsement

Pamela Plevyak, RN - Ms. Plevyak is a RN applicant who graduated from the University of Delaware and is currently licensed in PA until April 30, 2012. Ms. Plevyak did not meet the practice requirement for licensure in Delaware. Ms. Plevyak took a "Nursing Reactivation" course from Montgomery County Community College, completing it on January 6, 2011. In Delaware's Rules and Regulations 3.6.1 it states refresher courses offered to meet requirements for professional or practical nurse licensure, renewal, endorsement, reinstatement or reactivation shall be approved by the Board prior to student enrollment. The course was not approved prior to Ms. Plevyak applying to Delaware. Mr. Price made a motion, seconded by Mr. Maddex, to send Ms. Plevyak a letter stating she will need to complete a DE approved refresher course before the Board grants licensure. The motion was carried by unanimous vote.

Teasha Perry, LPN - Ms. Perry is a LPN applicant who graduated from the Erwin Technical Center nursing program in March 2001. Ms. Perry has been working and held licenses in FL, AL, GA, CA, NV, and MD. Ms. Perry had a judgment against her for "Welfare fraud in the State of Delaware" and in 1996 she paid back everything that was owed. The case was resolved and closed. She submitted one letter

of reference. Mr. Price made a motion, seconded by Ms. Halpern, to grant Ms. Perry a waiver for licensure in Delaware by endorsement. The motion was carried by unanimous vote.

Eileen Green, RN- Ms. Green is a RN applicant who graduated from Seton Hall in 1979. Ms. Green did not meet the practice requirement for licensure in Delaware. Ms. Green took a refresher course at Brookdale Community College in NJ. In Delaware's Rules and Regulations 3.6.1 it states refresher courses offered to meet requirements for professional or practical nurse licensure, renewal, endorsement, reinstatement or reactivation shall be approved by the Board prior to student enrollment. The course was not approved prior to Ms. Green applying to Delaware. Mr. Price made a motion, seconded by Ms. Littleton, to send Ms. Green a letter stating she will need to complete a DE approved refresher course before the Board grants licensure. The motion was carried by unanimous vote.

Elizabeth Attig, RN – Ms. Attig is a RN applicant who graduated from the University of Pennsylvania in 1996. Ms. Attig has not worked in a nursing position since 2001 and she has no employer references. She does have a current license in PA. Mr. Price made a motion, seconded by Ms. Bradley, to propose to deny licensure by endorsement to Ms. Attig until she can take a Delaware approved refresher course. The motion was carried by unanimous vote.

Lindsey Boone, RN – Ms. Boone is a RN applicant who graduated from the Galveston College in 2010. Ms. Boone was licensed in TX in 2010 and her license would have been valid until 2012. Ms. Boone told TX that she was moving to DE in July 2011. When she told TX she was moving they made her license inactive as of July 1, 2011. This left Ms. Boone without an active license at the time of completing her application with DE. Mr. Price made a motion, seconded by Ms. Nellius, to grant licensure by endorsement to Ms. Boone. The motion was carried by unanimous vote.

By Reinstatement

Geraldine Taylor-Brown, LPN – Ms. Taylor-Brown is asking to be reinstated. Ms. Taylor-Brown does not have an active license in another state nor does she meet the practice requirement. Ms. Halpern made a motion, seconded by Ms. Bradley, to deny Ms. Taylor-Brown DE licensure by reinstatement. The motion was carried by unanimous vote.

Crystal Odham, RN – Ms. Odham is asking to be reinstated. Ms. Odham failed to answer questions 12 and 13 regarding licenses under investigation or discipline. Ms. Odham's Criminal Background Check showed 3 criminal charges – writing a worthless check in 1998, criminal mischief in 1991 and criminal trespass in 1991. She submitted a letter of explanation and disposition paperwork. Ms. Odham had a previous discipline in DE with a consent and order signed in May 2010. She received a letter of reprimand and a requirement for CE which was supposed to be completed within 6 months of the order; however, the CE was never completed. From information supplied by her employer, it was determined that Ms. Odham had continued to practice after her license had expired. Ms. Bradley made a motion, seconded by Ms. Tyranski, to deny Ms. Odham DE licensure by reinstatement. The motion carried with Mr. Maddex opposing.

Advanced Practice Nurse

Michelle Septer, APN – Ms. Septer graduated from the University of Delaware in May 2011 as a Family Nurse Practitioner and has passed her certification exam. Ms. Septer's criminal background check showed a charge of criminal mischief in 1998. She submitted a letter of explanation, disposition paperwork, and 5 positive letters of reference. Mr. Salati made a motion, seconded by Dr. Lomax, to accept Ms. Septer's application and grant licensure in Delaware. By unanimous vote, the motion carried.

Renewal

Catherine Jackson, RN – Ms. Jackson is a licensed RN and asked the Board to review her volunteer hours to make certain she met the practice requirement. Ms. Jackson submitted all documentation needed for the Board to make a decision of whether to accept the volunteer hours. The Board found Ms. Jackson's hours to be acceptable and Ms. Jackson was notified to renew her license.

ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON

Mr. Price made a motion, seconded by Dr. Lomax, to ratify the following complaint assignments given to the respective Board contact person. The motion was carried by unanimous vote.

11-66-11 Lomax	11-69-11 Deputy	11-72-11 Littleton
11-67-11 Salati	11-70-11 Sanders	11-73-11 Salati
11-68-11 Littleton	11-71-11 Maddex	11-74-11 Tyranski
11-76-11 Bradley	11-77-11 Price	11-78-11 Tyranski
11-79-11 Nellius	11-80-11 Deputy	11-81-11 Salati
11-82-11 Murphy	11-83-11 Tyranski	11-84-11 Littleton
11-85-11 Halpern	11-86-11 Littleton	11-87-11 Murphy
11-88-11 Bradley	11-75-11 Price	11-89-11 Sanders
11-90-11 Maddex	11-91-11 Littleton	

CLOSED COMPLAINTS

Closed complaints do not need a vote; they are for information only to get into the record.

Dismissed by the Attorney General's Office

11-21-07	11-32-09
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Closed Investigations by the Division of Professional Regulation

11-37-10	11-22-10	11-31-10
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HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE

Consent Agreement(s)

Paula Grimaldi, RN – Board members reviewed the consent agreement. Dr. Contino made a motion, seconded by Mr. Sanders, to accept and approve the consent agreement. By unanimous vote, the motion carried. Ms. Nicholson stated that there were typographical errors that needed to be fixed on the consent agreement.

Sarah Carey, RN - Board members reviewed the consent agreement. Dr. Contino made a motion, seconded by Ms. Halpern, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Joyce Tuxward, LPN - Board members reviewed the consent agreement. Mr. Sanders made a motion, seconded by Mr. Maddex, to not accept the consent agreement. The motion carried with Ms. Littleton abstaining, and Dr. Lomax, Ms. Bradley, and Mr. Salati opposing.

Anne Stump, RN - Board members reviewed the consent agreement. Mr. Salati made a motion, seconded by Ms. Tyranski, to not accept the consent agreement. By unanimous vote, the motion carried.

Mary Van Rensburg, RN - Board members reviewed the consent agreement. Mr. Sanders made a motion, seconded by Ms. Tyranski, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Johanna Zimmerman, RN - Board members reviewed the consent agreement. Mr. Price made a motion, seconded by Ms. Littleton, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Kwanda Knight, RN - Board members reviewed the consent agreement. Mr. Price made a motion, seconded by Ms. Littleton, to not accept the consent agreement. By unanimous vote, the motion carried.

Jacqueline White, RN - Board members reviewed the consent agreement. Mr. Price made a motion, seconded by Ms. Halpern, to not accept the consent agreement. By unanimous vote, the motion carried.

Chief Hearing Officer Recommendations

Laura Scott, LPN - Board members reviewed the recommendation from the Chief Hearing Officer. Mr. Salati made a motion, seconded by Mr. Price, to accept and approve the recommendation from the Chief Hearing Officer to revoke the license of Ms. Laura Scott. By unanimous vote, the motion carried.

Giselle Erba, RN - Board members reviewed the recommendation from the Chief Hearing Officer. After discussion by the Board, Mr. Price made a motion, seconded by Mr. Maddex, to not accept the full recommendation by the Chief Hearing Officer and to impose 5 years suspension stayed after 3 years with 2 years probation. Ms. Erba will have to complete 12 continuing education credits in medicine and ethics of which will be above the 30 continuing education requirement. After suspension Ms. Erba would have to come back to the Board for a hearing before suspension could be lifted. By unanimous vote, the motion carried.

HEARING PANEL FINDINGS/DECISIONS/ORDERS

There were no hearing panel decisions or orders to review.

HEARINGS

Proposed to deny hearing minutes below.

DISCIPLINARY HEARING

Disciplinary hearing minutes below.

LEGISLATIVE UPDATE

The Board reviewed the letter from Mr. James Collins. Dr. Zickafoose will be letting Mr. Collins know that the Board of Nursing already has a Rules and Regulations Committee and they will continue to work on new legislation.

HB 155 was signed by the Governor on July 13, 2011. The Bill gives nurses up to 60 days to renew late before needing to reinstate their license.

REVIEW OF COMPLIANCE

Kathleen Lopez, RN – Mr. Price made a motion, seconded by Ms. Nellius, to lift the probation on Ms. Lopez. Due to an administrative error, Ms. Lopez is getting credit for time served. Ms. Lopez did

complete the required continuing education credits that she was asked to complete from her Board order. By unanimous vote, the motion carried.

PRACTICE WITHOUT LICENSURE REVIEWS (July/August)

There was one practice without licensure for August. A complaint has been filed.

PRACTICE ISSUES

RN removal of C-Block Pain Management Catheters

After discussion by the Board, Mr. Price made a motion, seconded by Mr. Maddex, to agree that RNs should be able to manage patients with Pain Management Catheters. By unanimous vote, the motion carried.

Discussion about LPNs

A letter was submitted to the Board with materials regarding LPNs in Delaware. The Board of Nursing reviewed the materials provided and discussed the rumor that in some facilities in Delaware they are saying that we are going to "do away with LPNs." The Board feels that LPNs are a vital part of our healthcare delivery system. The State of Delaware is NOT doing away with LPNs. Dr. Zickafoose will be writing a letter back explaining the discussion the Board held.

EDUCATIONAL ISSUES

Leads Faculty request

Lilian N. Ongeri, RN, BSN, MSN – After the review of Ms. Ongeri's credentials the Board found that Ms. Ongeri is not qualified to teach Pediatrics and Psychiatric/Mental Health nursing according to her resume and she does not hold a MSN as stated in the letter that was submitted. She holds a Master's of Science in Health Care Administration.

Susan M. Kamau, RN, BSN, MSN – After the review of Ms. Kamau's credentials the Board found that Ms. Kamau is not qualified to teach Psychiatric/Mental Health nursing according to her resume.

Laura Johnson, RN, BSN – After the review of Ms. Johnson's credentials the Board found that Ms. Johnson does not have any teaching experience being a relatively new registered nurse with a little over 2 years in medical-surgical direct patient care.

Mr. Price made a motion, seconded by Ms. Bradley, to not accept the faculty requests from Leads School of Technology. The motion carried with Mr. Salati abstaining.

Beebe School of Nursing Clinical Requests

Ms. Halpern made a motion, seconded by Ms. Nellius, to approve the Beebe School of Nursing Clinical requests. By unanimous vote, the motion carried.

Delaware State University NLNAC Site Visit November 1-3, 2011

Dr. Zickafoose read a letter informing the board of the upcoming visit.

DIHS Stay

Ms. Davis-Oliva informed the Board that the Superior Court upheld the Board's decision to withdraw approval of the school. The school appealed to the Supreme Court and requested a stay of order which the Board opposed.

Ms. Davis-Oliva reported to the Board that Maia Michael has appealed to the Superior Court.

Final Order for Rules and Regulations

The Board accepted the Final Order for the Rules and Regulations changes. Mr. Price made a motion, seconded by Ms. Tyranski, to accept the Rules and Regulations changes. By unanimous vote, the motion carried.

Order for Carolyn Martin

Mr. Sanders made a motion, seconded by Mr. Price, to accept the Hearing Panel's decision to suspend Ms. Martin's license. The motion carried with Dr. Lomax abstaining.

LICENSURE ISSUES

Consent Orders – Dr. Zickafoose wanted to get the Board's input on consent orders for nurses with substance abuse issues that state the nurse is to have an evaluation by a substance abuse specialist and then follow the treatment recommended. One recent nurse was evaluated and no treatment was recommended which meant there were no random drug screens nor any required reporting to the Board. Dr. Zickafoose asked the Board if this is what they intended and they stated this is not the intention. They do want nurses on suspension or probation to do random drug screens, and to have required employer and self reporting.

Dr. Zickafoose doesn't often report on VTO but wanted to share some statistics with the Board from the America Nurses Association (ANA) which states that approximately 10% of nurses have a substance use disorder. With over 19,000 nurses in Delaware, we should have about 1900 nurses in the VTO program. Currently there are 18 nurses in the VTO program.

Renewals – Dr. Zickafoose discussed with the Board and the Board's attorney, Ms. Davis-Oliva, the renewal process when someone affirmatively answers the questions about substance abuse and/or convictions. Ms. Davis-Oliva stated that as of right now the Board has no statutory authority to deny someone's license renewal for affirmatively answering (yes) to the conviction and substance abuse questions on the renewal. Ms. Davis-Oliva suggested that the Board make a change in the statute to be able to take action when a nurse answers the questions affirmatively. Ms. Davis-Oliva stated the only time we can take action against someone's license is if they have been suspended or revoked in another jurisdiction, and we need to include any discipline including probation and/or a letter of reprimand. Ms. Nicholson commented that questions 16 and 18 on the various applications do not contain the words "discipline, letter of reprimand or sanctioned" and these should be added to clarify the questions. Dr. Zickafoose will look into this with the appropriate people in the division.

NCSBN

There was nothing to report.

LICENSEE RATIFICATION

Mr. Price made a motion, seconded by Ms. Halpern, to ratify the licensee list. By unanimous vote, the motion carried.

PUBLIC COMMENT

There were no public members left by the end of the meeting.

Ms. Nicholson reminded the Board members of the importance of replying to Ms. Wagner's email requesting members to let her know if they will be attending the meeting. Ms. Wagner's purpose is to determine if the Board has a quorum.

NEXT SCHEDULED MEETING

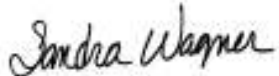
October 12, 2011 - 9:00 a.m.

861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904.

ADJOURNMENT

The meeting adjourned at 3:50 p.m.

Respectfully Submitted,



Administrative Specialist III
Delaware Board of Nursing

HEARING MINUTES

HEARING – Jamie Clark

The Delaware Board of Nursing held a hearing on September 14, 2011, at 11:23 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, David Salati, Dianne Halpern, Harland Sanders, Robert Contino, Madelyn Nellius, Robert Maddex, Kathy Bradley, Mary Lomax, Pamela Tyranski, Tracy Littleton, and Delphos Price

RECUSED: Pamela Tyranski

EXCUSED: Tammy Ward, Lyron Deputy, and Karen Murphy

PURPOSE: Proposed to Deny – continuance

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Jamie Clark

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT: Pamela Tyranski

COURT REPORTER PRESENT: Juli LaBadia, Wilcox and Fetzer

TIME STARTED: 11:23 a.m.

The court reporter took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Clark was present for the hearing. Ms. Davis-Oliva entered the documents as Board Exhibit 1. The Board went off the record for deliberations at 11:36 a.m. The Board went back on the record at 11:38 a.m. Dr. Contino made a motion, seconded by Ms. Littleton, to approve a waiver to be granted to Ms. Clark to sit for examination. The motion carried with Ms. Tyranski abstaining. The hearing concluded at 11:40 a.m.

HEARING MINUTES

HEARING – Janet Belles

The Delaware Board of Nursing held a hearing on September 14, 2011, at 11:41 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, David Salati, Dianne Halpern, Harland Sanders, Robert Contino, Madelyn Nellius, Robert Maddex, Kathy Bradley, Mary Lomax, Pamela Tyranski, Tracy Littleton, and Delphos Price

RECUSED: Robert Contino

EXCUSED: Tammy Ward, Lyron Deputy, and Karen Murphy

PURPOSE: Lift Probation

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Janet Belles

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Juli LaBadia, Wilcox and Fetzer

TIME STARTED: 11:41 a.m.

The court reporter took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Belles was present for the hearing. Ms. Davis-Oliva entered the documents as Board Exhibit 1. The Board went off the record for deliberations

at 11:52 a.m. The Board went back on the record at 11:53 p.m. Ms. Halpern made a motion, seconded by Mr. Salati, to lift the probation status of Ms. Belles. By unanimous vote, the motion carried. The hearing concluded at 12:00 p.m.

HEARING MINUTES

HEARING – Marlene Taylor

The Delaware Board of Nursing held a hearing on September 14, 2011, at 1:04 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, David Salati, Dianne Halpern, Harland Sanders, Madelyn Nellius, Robert Maddex, Kathy Bradley, Mary Lomax, Pamela Tyranski, Robert Contino, Tracy Littleton, and Delphos Price

RECUSED:

EXCUSED: Tammy Ward, Lyron Deputy, and Karen Murphy

PURPOSE: Proposed to Deny

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Marlene Taylor

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Juli LaBadia, Wilcox and Fetzer

TIME STARTED: 1:04 p.m.

The court reporter took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Taylor was present for the hearing. Ms. Davis-Oliva entered documents as Board Exhibit 1. Ms. Davis-Oliva read two letters to the Board for Ms. Taylor as Respondent's Exhibit 1. The Board went off the record for deliberations at 1:12 p.m. The Board went back on the record at 1:16 p.m. Ms. Nellius made a motion, seconded by Ms. Bradley, to approve a waiver to be granted to Ms. Taylor to sit for examination. By unanimous vote, the motion carried. The hearing concluded at 1:18 p.m.

HEARING MINUTES

HEARING – Kelly Lam – Hearing Postponed

The Delaware Board of Nursing held a hearing on September 14, 2011, at 1:19 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, David Salati, Dianne Halpern, Harland Sanders, Robert Contino, Madelyn Nellius, Robert Maddex, Kathy Bradley, Mary Lomax, Pamela Tyranski, Tracy Littleton, and Delphos Price

RECUSED:

EXCUSED: Tammy Ward, Lyron Deputy, and Karen Murphy

PURPOSE: Disciplinary Hearing

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Kelly Lam

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Juli LaBadia, Wilcox and Fetzner

TIME STARTED:

HEARING – June Frey-Cardona - Hearing Postponed

The Delaware Board of Nursing held a hearing on September 14, 2011, at 1:19 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, David Salati, Dianne Halpern, Harland Sanders, Robert Contino, Madelyn Nellius, Robert Maddex, Kathy Bradley, Mary Lomax, Pamela Tyranski, Tracy Littleton, and Delphos Price

RECUSED:

EXCUSED: Tammy Ward, Lyron Deputy, and Karen Murphy

PURPOSE: Disciplinary Hearing

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: June Frey-Cardona

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Juli LaBadia, Wilcox and Fetzer

TIME STARTED:

Site Visit Report from Leads School of Technology

Date of Visit: July 14, 2011

Dr. Bob Contino, Nancy Maxwell and Dr. Pam Zickafoose conducted a site visit at Leads School of Technology on July 14, 2011. The investigators found the school to be well prepared for the visit with all requested documents present and well-organized. Additional files for faculty and students were readily available and in order. As a part of the investigation, files were also randomly selected from a list and reviewed. The investigators reviewed files for two students (one currently enrolled and one formerly enrolled) and two faculty members (one currently employed and one previously employed). The student files were complete as to entrance/admission documentation, and evidence was found regarding transfer credit awarded. The files were consistent with the Lead's May 2011 status report and annual reports. Grades were present in the files. From the review of the files, the investigators confirmed that students are notified individually of their course grades and are given advance notification if they are not progressing well in classes. The investigation revealed forms, signed and dated by students, in the student files confirming the same. Student files also included a HESI form which is signed and dated by the student. Faculty files include interview and application information as well as a checklist for all required documentation. One faculty file did not have a copy of the teacher's current DE nursing license. The faculty person was present at the time of the visit and produced an expired license stating she did not have the current one with her. L2K revealed that this faculty member does have a current and active DE license, and a current license was faxed to the Division of Professional Regulation after the site visit. The physical facilities appear adequate given the small school size, and Ms. Robinson stated there would be a new classroom available in the future.

Interviews with two classes of students were conducted by Dr. Contino and Dr. Zickafoose. Both classes were very respectful and receptive to discussion. Many of their questions were related to the accreditation process and how the Board of Nursing fits into that process. They also asked questions related to personal licensure. Students spoke very highly of the school and the faculty. The students seemed very happy with the education experience they were getting at Leads. They stated they have support from faculty outside of class via email and phone, they were well aware of the HESI exit exam policy, well informed of their test grades in a timely manner, and no complaints were voiced from either class.

Faculty and administration were also very supportive of each other as evidenced in the group summation meeting. Ms. Robinson and the faculty discussed the incident in January 2011 where a group of students were angry about failing a class. The faculty's account is one of total disrespect for the faculty, staff and school. Ms. Robinson stated that criminal charges were filed against a student and a jury trial is pending. The hearing scheduled on May 30, 2011 did not take place because the student claimed she "did not speak English." The investigators reviewed the file of said student and it appeared to be in order with a signed grade sheet from the student dated 1/4/11. Additional security measures have been implemented in the building and it was noted in faculty meeting minutes that security was discussed.

Ms. Robinson stated she is working with a mentor on the NLNAC accreditation and hopes for a December visit. The investigators believe this is highly unlikely as Leads has not yet submitted a self-study to the NLNAC. Ms. Robinson is also focusing on expanding to include an Associate Degree program. The investigators informed Ms. Robinson that additional clinical sites would be needed for a new RN program as the objectives are different and a higher skill level is required for RN clinicals.

After the visit, the investigators discussed their findings and determined it would be best for Leads to focus on its current LPN program, specifically improving NCLEX pass rates to above 80% and attaining NLNAC accreditation. It would be best to demonstrate excellence in the LPN program before progressing with the RN program. Another recommendation is to get the

student handbook online for more ready access by current and prospective students. Finally, Leads should be reminded that faculty files must be kept current and include all information for each faculty member.

Camtech LPN Program Site Visit Report

Date of Visit: August 1, 2011

BON Visitors: Robert Contino, Barbara Willey, Valerie Harrison, and Pam Zickafoose

According to the program director, Camtech admits 35 students into their 12 month day program in July and September and they admit 30 into the 18 month part-time Evening/Weekend program in January and September. This totals 130 students. One reason for visiting Camtech was a complaint from the PA Board of Nursing stating their two programs had different numbers of clinical hours posted on their website. The curriculum did reveal differences between the day and evening programs and the administrator and director stated they would correct this and provide the same number of hours for both programs.

Student and faculty files were reviewed and in order. It was pointed out that their enrollment agreement had a typo in the word "graduation." One faculty person did not have the correct version of CPR (Heartsaver not Healthcare Provider & it was a certificate of completion and not a copy of a BLS card). Clinical contracts were reviewed. A few were found to be current (Lil' Einsteins with automatic renewal, Harbor Healthcare dated 11/10/10 with automatic renewal and DHSS dated 5/18/11 – 5/17/12), some were found to be outdated (Nanticoke 6/21/07 – 12/31/09, CCHS ended in 2007, Rockford 3/1/08 – 3/1/10), and Cadia Riverside had never been signed. Nanticoke hospital was listed on clinical list yet the contract in their book was dated 6/21/07 – 12/31/09. When asked about this we were told "it is being revised." Rockford Center was outdated yet listed on their "May 2011 Annual Report." Reports from students and faculty confirmed most clinicals are done in long term care facilities.

The student handbook was updated in 7/11 by JPM, in 1/11 by FJH, and in 7/06 by FJH & DYC yet they still had numerous spelling, grammar, and typographical errors. Tuition is \$12,500 per year and they stated this had not changed since 2006; however, students must pay before they are allowed to graduate. Meeting minutes were reviewed from July 22, 2011, May 24, 2011, and June 15, 2011. The June minutes stated they were holding off on NLNAC for now. Ms. Magee indicated she was still working on a LPN Refresher course. Dr. Zickafoose advised her to focus on accreditation and getting the NCLEX pass rates improved as a priority. In conclusion, many of these same issues were addressed in previous site visits. For example, turnover of faculty, lack of consistent program director, outdated clinical contracts, lack of resources for faculty and students, etc.

General Concerns:

1. Low NCLEX Pass rate- 42.2% in 2010, 69.77% in 2009, and 61.29% in 2008.
2. Lack of full time faculty (3 FT nursing faculty members). Even though the director is full-time she is viewed as a FT administrator and part-time instructor.
3. Lack of faculty support by the President of the corporation. FT Faculty are contracted for 35 hours, but work many more (which is not all that unusual for a faculty member but 35 hours is not full-time and they do not receive any benefits.)
4. Lack of Library resources: the selection of books is minimal and do not fill a bookcase. Some books on the shelves don't relate to nursing practice, i.e. Ecology. Books also appeared old and outdated.
5. Lack of a dedicated lab instructor for student demonstration and learning of nursing skills, practice and remediation.

6. Clinical in mostly long term care facilities.
7. Lack of current clinical contracts.
8. Lack of NLNAC accreditation.

Meeting with Students:

1. Classes start and end on time.
2. A 15 minute break is provided in the morning and 30 minutes is given for lunch.
3. Course syllabi are distributed the first day of class. The syllabi outline the course objectives, grading scale and course policies.
4. Students receive the student handbook the first day they entered the program.
5. The fulltime day program is 12 months and a graduation date is set for the September class on 9/24/11
6. Instructors are available to students after class by appointment.
7. Students usually test on Friday and they feel results are returned promptly (usually by Monday). Students are able to track their progress and can ask for a printout of their grades.
8. Med-surg clinical was at Emily Bissell: This is a concern since there is most likely a lack of acute care experiences at this facility. Question: Is there any surgical nursing care given at this facility?
9. Concerns expressed by students:
 - They wish that all of the fees in the program were listed under tuition & fees. It seems to them that there are numerous other fees that are added on (they say they aren't hidden, but they are added fees)
 - Lack of library resources. Some journal articles are available on the internet but they state the internet is often down or offline.
 - Another concern is the NLNAC accreditation and the process the school is going through regarding this. They are also concerned that it may affect their ability to continue in an RN program.
 - Questions regarding licensure and NCLEX process were also answered.

Meeting with Faculty

Two full time faculty were interviewed.

Findings:

1. There are three full-time faculty and nine adjuncts. One of the full time faculty is also the program director who works full time during the day in that role and then teaches in the evening program. The two full time faculty carry the majority of the work for the day program which has 35 students.
2. The senior faculty person who has been with the school approximately 3 years carries out most of the orientation for new faculty. The previous program director carried out the last orientation for the newest full time staff person. She also evaluated the staff person when she was newly teaching in her class.
3. Some support services are available for mailings and printing otherwise the full time faculty manage activities themselves.
4. They report they have no real involvement in curriculum development per se. They teach what they are assigned to teach. The use of ATI has recently helped the faculty decide what curricular changes need to occur.
5. The clinical areas are in long term care agencies & include Arbors, DHCI, Emily Bissell, and Franciscan Care Center. The faculty choose sub-acute patients who have complex needs.

6. For students who are not successful the process involves meeting with the student one-to-one and reviewing the problem at hand. If it is a clinical issue then the student & teacher review what the clinical issue is and recommendations are made for the student. If the student is not successful in the lab the first time they typically are the second time. They have not had a student unable to make it through the second lab visit. We discussed the potential to have documented practice time from the student prior to returning to the clinical setting. The faculty was very open to this idea and took notes to bring back to the program director. The staff stated that any clinical decision they made related to a student was supported by the administration.
7. Resources: The students have access to laptops but there is no other technology used. There is one mannequin within the lab for use by day students and evening students (total approx 65). There is no lab faculty to assist with lab skill attainment or remediation. When students practice skills the clinical instructor or full time faculty person teaching the class is available.
8. The two full time faculty share an office. The newest faculty person had very little teaching experience and she spoke of support & guidance given to her by her officemate and program director.
9. Overall, the faculty was dedicated to the job at hand but voiced some frustration over the number of hours for which they are paid (35 hours) versus how many they log in each week ("many more than that.") Grading and administrative work is done at home, typically.

Delaware Board of Nursing Update – September 2011

This summer has flown by and it has been a crazy summer. I must say it is amazing what we have endured. For example an earthquake, a hurricane, a tornado, and floods all in one week! And don't you know, I was on vacation!! Oh well. I am thankful we were so lucky through all of these trials in that no one was hurt and our homes were relatively untouched. Needless to say, I have worked this summer and it has been very busy! Here is a list of what I have been up to:

- Annual meeting for NCSBN the first week of August in Indianapolis.
- Two site visits for nursing schools- Leads was done July 14th and Camtech was August 1st.
- The Advanced Practice Committee was reformed and a meeting was held July 21st.
- I attended the DNA Future of Nursing meeting and presented on the NCSBN Transition to Practice Model on August 16th.
- I have been asked and have accepted to be the keynote speaker at the DNA Fall Conference on October 28, 2011. The topic will be "Professional Disciplinary Hearings: What Happens When a Complaint is Filed?" I also plan to include updates from the Rules and Regulations changes as well as a case study from a substance abuse consent agreement.
- The AWSAM Committee has been reformed and met August 30th. I met with Yrene and Vicky to update their AWSAM program. I also found that there are three different versions of AWSAM being utilized.
- A medication aide meeting was held on August 9th meeting with Rep. Barbieri and state stakeholders with no decisions. Instead they asked the AWSAM committee to consider a pilot project with MAs. Patty Davis-Oliva is working on a plan with DHSS and Debbie Gotschalk.
- The Data Integrity project is going well. We received an update from NCSBN in July that stated we are over 43% complete after only 2 months of work. I assured the team there is still MUCH more to be done. We are now directing our focus on the second half of the project with is updating education records in the licensure database.
- I have asked a volunteer nurse (former UD professor) to assist with some of the educational forms the board uses. She is reviewing them and making recommendations for improvement.
- We are nearing the end of the September renewal cycle. One day this week we had almost 100 faxes, mostly dealing with renewal. That was a BUSY day!! Thank you Sandy and Team A for pulling together and helping each other out when needed. We really do have a GREAT team!!
- I wrote and submitted an article for the DNA Reporter (for Oct/Nov publication) and here is an excerpt:

The summer months were very busy and productive and the fall is going to be very busy as well. The President of the board, Evelyn Nicholson, and I attended the National Council of State Boards of Nursing (NCSBN) annual meeting in Indianapolis, IN August 3-5, 2011, and I attended the Nurse Licensure Compact Administrators (NLCA) meeting on August 2nd. Both meetings were informative with numerous business initiatives. Information was presented from the various NCSBN committees and the Delegate Assembly adopted revisions to the Uniform Licensure Requirements which assists nurse mobility. There were 56 member boards represented at the meeting.

The NCSBN sponsors numerous meetings throughout the year and Delaware board members and staff actively participated. For example, Roger Akin (Hearing Officer) attended the Attorney/Investigator Symposium in May. Dr. Mary Lomax (public member) attended the NLC/Consumer Meeting in June. Pam Tyranski (RN member) and Tracy Littleton (LPN member) attended the Long Term Care Conference in August, and Dr. Bob Contino (Vice-President and Educator member) attended the NLCEX Conference in September. We are very fortunate to have active board members who participate in conferences and then bring information back to keep us informed.

The committees of the board are also actively working. The Rules & Regulations committee, chaired by Lyron Deputy (RN member), finished updating 9 sections of the Rules and the board approved the recommended changes in July. A public hearing was held in August and the updated rules should be effective in October. Sections 2 and 7, Education and Scope of Practice, contained the most revisions. The Rules & Regulations can be found on the Board of Nursing Website at <http://dpr.delaware.gov/boards/nursing/index.shtml>.

Board of Nursing Meeting Minutes

September 14, 2011

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The Advanced Practice Committee chaired by Del Price (APN member) was reconvened and held its first meeting in July. This committee will review section 8 of the Rules and Regulations and update as needed. They are planning to conduct a survey of APNs in Delaware regarding the Consensus Model from the NCSBN. The Assistance with Self Administration of Medications (AWSAM) Committee chaired by Pam Tyranski (RN member) was reformed and met in August. They are reviewing the various forms of AWSAM courses utilized in Delaware facilities and will make recommendations for changes to the curriculum as well as Section 5 of the Rules and Regulations. The Joint Practice Committee (JPC) chaired by Cindy Drew, CNS continues to review and recommend advanced practice nurses for prescriptive authority to the Board of Medical Licensure and Discipline.

As you can see, we have a very active board with many initiatives taking place. **I would like to take this opportunity to thank all of the board members who generously give of their time and expertise. Because of their commitment the Delaware Board of Nursing is proactively progressing into the future of nursing!**

Just wanted to give you a heads up that you will be in the paper!!

As always, it is a pleasure working with each of you and I really do appreciate your time as stated above!

Respectfully Submitted,
Pamela C. Zickafoose, EdD, MSN, RN, NE-BC, CNE
Executive Director
Delaware Board of Nursing